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6 Attorneys for Defendant

7 SUNTRUST MORTGAGE, INC.

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 CLAUDE & PAMELA BENNETT,

14 Plaintiffs,

15 vs.

16 SUNTRUST MORTGAGE, INC.,

17 Defendant.

Case No. C 10-03375 JF

**SUNTRUST MORTGAGE, INC.'S  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO DISMISS  
AND MOTION FOR MORE DEFINITE  
STATEMENT**

Hearing Date: November 12, 2010

Time: 9:00 AM

Courtroom: 3, 5th Floor

Judge: The Hon. Jeremy Fogel

Complaint Date: August 2, 2010

Trial Date: None Set

22 Pursuant to Federal Rule of Evidence 201 of the Federal Rules of Evidence, defendant  
23 SunTrust Mortgage, Inc. ("SunTrust") requests that the Court take judicial notice of the following  
24 facts. Under Rule 201, facts appropriate for judicial notice are those "not subject to reasonable  
25 dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or  
26 (2) capable of accurate and ready determination by resort to sources whose accuracy cannot  
27 reasonably be questioned." Fed. R. Evid. 201(b). Facts subject to judicial notice may be  
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1 considered on a motion to dismiss. *Mullis v. U.S. Bankr. Court*, 828 F.2d 1385, 1388 (9th Cir.  
2 1987).

3 The following facts requested to be judicially noticed are not subject to reasonable  
4 dispute, in that they are “capable of accurate and ready determination by resort to sources whose  
5 accuracy cannot reasonably be questioned” within the meaning of Federal Rule of Evidence  
6 201(b):

- 7 A. A Deed of Trust dated October 15, 2007, was recorded on October 23, 2007, in the  
8 Official Records of the County of Monterey, Document No. 2007080979.
- 9 B. A Home Equity Line of Credit Deed of Trust dated October 15, 2007, was  
10 recorded on October 23, 2007, in the Official Records of the County of Monterey,  
11 Document No. 2007080980.
- 12 C. A Notice of Default dated January 5, 2010, was recorded on January 6, 2010, in  
13 the Official Records of the County of Monterey, Document No. 2010000513.
- 14 D. A Notice of Trustee’s Sale dated July 8, 2010, was recorded on July 28, 2010, in  
15 the Official Records of the County of Monterey, Document No. 2010041140.

16  
17 DATED: September 13, 2010

18 SEVERSON & WERSON  
19 A Professional Corporation

20 By: /s/ M. Elizabeth Holt  
21 M. Elizabeth Holt

22 Attorneys for Defendant  
23 SUNTRUST MORTGAGE, INC.  
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**PROOF OF SERVICE**

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of San Francisco, California; my business address is Severson & Werson, One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On the date below I served a copy, with all exhibits, of the following document(s):

**SUNTRUST MORTGAGE, INC.'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS AND MOTION FOR MORE DEFINITE STATEMENT**

on all interested parties in said case addressed as follows:

Claude and Pamela Bennett  
508 Herrmann Drive  
Monterey, CA 93940

*Plaintiffs in Pro Per*

☒ **(BY MAIL)** By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in San Francisco, California, in sealed envelopes with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration is executed in San Francisco, California, on September 13, 2010.

/s/Isabel Kunst  
Isabel Kunst